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EXAMINER	
BATTULA, PRADEEP CHOUDARY	
ART UNIT	PAPER NUMBER
3722	
MAIL DATE	DELIVERY MODE
06/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/691,264	CRUM, JESSE D.	
	Examiner	Art Unit	
	Pradeep C. Battula	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5,6,10,11,15-17 and 20-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *5,6,10,11,15-17 and 20-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the reply filed on May 15, 2007

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 15, 2007 has been entered.

Claim Objections

Claim 21 is objected to because of the following informalities: the last word of the claim "laminate" should be "carrier sheet" since the tags are made from the laminate and the minor portion is removed from the tag. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim 10, 11, 15, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lalande (U.S. 5,721,178) in view of Good (U.S. 5,728,440) and Behnen (U.S. Pub. 2004/0056476 A1).

In regards to Claims 10 and 11, Lalande a discloses peelable laminate 13 having a frangible bond, comprising; a first layer 16 having a first thickness and having first 17 and second surfaces (not numbered) with at least one of said first and second surfaces receiving printing 17 (Column 2, Lines 23 – 28); a second layer 11 with a second thickness (Column 2, Lines 15 – 20) having first 15 and second surfaces (not numbered); a coating composition securing said first and second layers one to another upon application of a pressure treatment to form a seal, said treatment passing through one of said first and second layers to create said seal (Column 2, Lines 15 – 28); and said first layer having a series of die cuts provided therein, said die cuts producing separable tags (Column 2, Lines 28 – 30; Figure 1, Items 13 – 13j). The examiner considers each independent removable element as a major portion.

Lalande does not disclose that the two layers have different thicknesses nor does Lalande disclose that each of said tags has a minor portion, with said major portion having a surface area at least ten times greater than a surface area of said minor portion and wherein upon removal of said major portion from said first layer, said minor portion remains adhered to said first layer.

Good discloses each of said tags having a major portion and a minor portion 15, with said major portion 16 having a surface area greater than the surface area of said minor portion (Figure 1, Items 15, and 16) and wherein upon removal of said major portion from said first layer, said minor portion does not remain adhered to said first layer but is meant to be removed from the first layer (Column 3, Lines 61 – 65). Good further discloses that various changes can be made without changing the scope of the

invention and a mere die cut that is complete and removing any hang tags would also perform the same function of removing the minor portion from the hang tag and have them remain with the second layer. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate Good's die cut, but make them full, into the major portions 13 of Lalande in order to allow for the tag to be attached to clothes and consumer products, as taught by Lalande (Column 2, Lines 41 – 45) without having to stitch a tag onto an item. It is well known that hang tags are now attached to clothing with the use of string. In regards to the minor portion having a surface area ten times smaller than that of the major portion one only needs to reduce the size of the cut and a change in size of a component is seen as only requiring routine skill in the art.

With respect to the first and second layer having different thicknesses it is disclosed in Lalande that the first and second layers are different material and therefore possibly have different thickness. Also Good discloses a thickness for the face stock 11 material, which the tag is made from, along with the silicone coating release liner (Column 4, Lines 54 – 64). Lalande modified by Good discloses the claimed invention except for the first and second layers having different thickness. It would have been an obvious matter of design choice to have the layers be a different thickness, because such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Lalande modified by Goode does not disclose a UV curable coating composition securing the first and second layers one to another upon application of a treatment to form a seal.

Behnen discloses a method of making a card and form by printing indicia on a tag stock and applying a first layer of lamination by adhesive means onto the tag stock and then bonding the laminate onto the tag stock using UV light, which is ultraviolet treatment (Paragraph 0011, Lines 1 – 13). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the UV teachings and adhesive of Behnen in place of Lalande's adhesive because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

In regards to Claim 15, as applied to Claim 10, applicant has failed to disclose the criticality of the thickness of the layers. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to vary the ranges of thickness in order to create a wide variety of uses. A large range would allow for use in personal printers to industrial printers, also the range would allow for users to use a layer of material that either provides a large amount of support or smaller amount of support. This would relevant when die cutting and for using a layer as a release ply. Furthermore, Lalande modified by Good and Behnen discloses the claimed invention except for the second layer having a thickness between 1 and 3 mils. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the second layer of thickness between 1 and 3 mils, because it has been held

that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

In regards to Claims 22 and 23, Lalande discloses a method of making a dry technology apparel or textile tag (Column 2, Lines 41 – 49) comprising the steps of initially preparing a laminate 11, 16 tag sheet having a plurality of removable items 13, said laminate being composed of said tag sheet 16, a carrier sheet 11, and an adhesive coating 14 disposed therebetween (Column 2, Lines 15 – 28).

Lalande does not disclose including an imprinted tag sheet; each of said removable items having a major portion and a minor portion; and a curable coating disposed therebetween; and curing said curable coating by passing ultraviolet radiation through one of said tag sheet and carrier sheet.

Good discloses each of said tags having a major portion and a minor portion 15, with said major portion 16 having a surface area greater than the surface area of said minor portion (Figure 1, Items 15, and 16) and wherein upon removal of said major portion from said first layer, said minor portion does not remain adhered to said first layer but is meant to be removed from the first layer (Column 3, Lines 61 – 65). Good further discloses that various changes can be made without changing the scope of the invention and a mere die cut that is complete and removing any hang tags would also perform the same function of removing the minor portion from the hang tag and have them remain with the second layer. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate Good's

die cut, but make them full, into the major portions 13 of Lalande in order to allow for the tag to be attached to clothes and consumer products, as taught by Lalande (Column 2, Lines 41 – 45) without having to stitch a tag onto an item. It is well known that hang tags are now attached to clothing with the use of string.

Lalande modified by Good does not disclose an imprinted tag sheet; a curable coating disposed between the sheets of the laminate; and curing said curable coating by passing ultraviolet radiation through one of said tag sheet and carrier sheet.

Behnen discloses a method of making a card and form by printing indicia on a tag stock and applying a first layer of lamination by adhesive means onto the tag stock and then bonding the laminate onto the tag stock using UV light, which is ultraviolet treatment (Paragraph 0011, Lines 1 – 13). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the UV teachings and adhesive of Behnen in place of Lalande's adhesive because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Furthemore, Behnen discloses indicia related to business forms and insurance and it is very common for corporations to provide forms and cards having a letterhead which are imprinted. Considering the tags of the invention are to be placed on clothing (Column 2, Lines 41 – 45; Lalande) and these tags generally have company names, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Lalande's tags with business indicia as taught by Behnen. *In re Gulack,* 217 USPQ 401, (CAFC 1983).

2. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lalande in view of Good, Behnen and Tighe et al. (Tighe; U.S. 4,704,310).

In regards to Claim 16, as applied to Claim 10, Lalande modified by Good and Behnen does not disclose wherein said coating composition includes acrylated monomers and oligomers.

Tighe discloses Tighe discloses an ultraviolet curable coating 30 in a heat transferable laminate (Column 7, Lines 5 – 17; Figure 1, Item 30) cured with an H-bulb (Column 12, Lines 50 – 55) along with a release 20 which creates a coating composition with coating 30, including oligomers which would also include acrylated monomers (Column 7, Lines 28 – 31). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to alter Lalande, as modified by Good and Behnen, and substitute Lalande's silicone coating with Tighe's release layer 20 because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lalande in view of Behnen.

In regards to Claim 17, Lalande disclose an in-situ cured laminated business form, comprising; a first layer 16 of material having first 17 and second faces (not numbered; Column 2, Lines 23 – 28); a second layer 11 of material having first 15 and second faces (not numbered; Column 2, Lines 15 – 20); at least one of said first and second layers having a series of die cuts formed therein to create a plurality of removable

elements 13 (layer 16; Column 2, Lines 28 – 30; Figure 1, Items 13 – 13j) and a frangible coating applied to one of said first and second faces of each of said first and second layers corresponding to an area covered by said removable elements (Column 2, Lines 9 – 30, 64 – 66; Column 3, Lines 6 – 8). The examiner considers the coating frangible since the pressed sheets can be separated and the removable tag has no adhesive (Column 2, Lines 41 – 49).

Additionally, in response to the in-situ curing, it is not disclosed how it will be done but as long as the assembly is not moving during curing then it is in-situ. The procedures that can be executed to accomplish this goal are routine in the art. Furthermore, there is a product by process statement dictating "...cured in-situ by treatment energy passed through one of said first and second layers to form a laminated..." Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. See MPEP 2113.

Lalande does not disclose the frangible coating is a UV curable coating.

Behnen discloses a method of making a card and form by printing indicia on a tag stock and applying a first layer of lamination by adhesive means onto the tag stock and then bonding the laminate onto the tag stock using UV light, which is ultraviolet treatment (Paragraph 0011, Lines 1 – 13). Therefore it would have been obvious to a

person having ordinary skill in the art at the time the invention was made to use the UV teachings and adhesive of Behnen in place of Lalande's adhesive because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lalande in view of Behnen and Tighe.

In regards to Claim 20, as applied to Claim 17, Lalande modified by Behnen does not disclose wherein said coating includes acrylated monomers and oligomers.

Tighe discloses an ultraviolet curable coating 30 in a heat transferable laminate (Column 7, Lines 5 – 17; Figure 1, Item 30) cured with an H-bulb (Column 12, Lines 50 – 55) along with a release 20 which creates a coating composition with coating 30, including oligomers which would also include acrylated monomers (Column 7, Lines 28 – 31). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to alter Lalande, as modified by Behnen, and substitute Lalande's silicone coating with Tighe's release layer 20 because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

5. Claim 21 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lalande in view of McKillip (U.S. 6,989,183), Behnen, and Good.

Lalande discloses a method of making a sheet of dry removable hang tags 13 [a frangible bond] (Column 2, Lines 41 – 49) comprising providing a laminate consisting of

a sheet of tag material 16 and a carrier sheet 11 with the laminate and sheet being bonded to each other with adhesive 14 (Column 2, Lines 15 – 28).

Lalande does not disclose a carrier sheet of substantially UV-transparent material bonded to the laminate with UV curable adhesive die-cutting said sheet of tag material to form tags having a major portion and a minor portion fully contained within, but fully separated from, said major portion; and exposing said UV-curable adhesive to ultraviolet radiation through said carrier sheet, said ultraviolet radiation being of such a nature as to cause said adhesive to frangibly adhere to said tag material sheet; whereby upon removing said major portions of said tags from said laminate, said major portion separates from said laminate free of adhesive but said minor portion remains adhered to said carrier sheet.

McKillip discloses a dual sided 14 carrier sheet for labels 22 to be removed from comprising a UV-transparent material, glassine (Column 5, Lines 11 – 19; Figures 1 & 2, Item 22; Figure 3, Items 14, 22). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use glassine for carrier sheet 11 in order to reduce the binding characteristics of the adhesive bond between the layers and allow for the hang tags to be removed more easily, making a more effective frangible bond, but not be compromised if printed on (Column 5, Lines 13 – 16; McKillip).

Lalande modified by McKillip does not disclose that the substantially UV-transparent material is bonded to the laminate with UV curable adhesive die-cutting said sheet of tag material to form tags having a major portion and a minor portion fully

contained within, but fully separated from, said major portion; and exposing said UV-curable adhesive to ultraviolet radiation through said carrier sheet, said ultraviolet radiation being of such a nature as to cause said adhesive to frangibly adhere to said tag material sheet; whereby upon removing said major portions of said tags from said laminate, said major portion separates from said laminate free of adhesive but said minor portion remains adhered to said carrier sheet.

Behnen discloses a method of making a card and form by printing indicia on a tag stock and applying a first layer of lamination by adhesive means onto the tag stock and then bonding the laminate onto the tag stock using UV light, which is ultraviolet treatment (Paragraph 0011, Lines 1 – 13). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the UV teachings and adhesive of Behnen in place of Lalande's adhesive because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Furthermore it would have been obvious to a person having ordinary skill in the art to cure the adhesive through the glassine of McKillip since it is a UV-transparent surface.

Lalande modified by McKillip and Behnen does not disclose die-cutting said sheet of tag material to form tags having a major portion and a minor portion fully contained within, but fully separated from, said major portion whereby upon removing said major portions of said tags from said laminate, said major portion separates from said laminate free of adhesive but said minor portion remains adhered to said carrier sheet.

Good discloses each of said tags having a major portion and a minor portion 15, with said major portion 16 having a surface area greater than the surface area of said minor portion (Figure 1, Items 15, and 16) and wherein upon removal of said major portion from said first layer, said minor portion does not remain adhered to said first layer but is meant to be removed from the first layer (Column 3, Lines 61 – 65). Good further discloses that various changes can be made without changing the scope of the invention and a mere die cut that is complete and removing any hang tags would also perform the same function of removing the minor portion from the hang tag and have them remain with the second layer. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate Good's die cut, but make them full, into the major portions 13 of Lalande in order to allow for the tag to be attached to clothes and consumer products, as taught by Lalande (Column 2, Lines 41 – 45) without having to stitch a tag onto an item. It is well known that hang tags are now attached to clothing with the use of string.

In regards to Claim 6, as applied to Claim 21, Lalande discloses that the tag sheet and carrier sheet are different material and therefore possibly have different thickness. Also, Good discloses a thickness for the face stock 11 material (7 millimeters), which the tag 10 is made from, and the silicone coating (2.0 millimeters) release liner 17 (Column 4, Lines 54 – 64). Good further discloses that the assembly goes through a dryer 27 after having adhesive applied (Column 4, Lines 19 – 23). Lalande modified by McKillip, Behnen and Good and disclose the claimed invention except for the second layer having a thickness of no more than about 7 millimeters. It

would have been obvious to one having ordinary skill in the art at the time the invention was made to have the second layer/carrier sheet and other layers be of certain sizes, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lalande in view of McKillip, Behnen, Good and Tighe.

In regards to Claim 5, Lalande modified by McKillip, Behnen and Good disclose that the UV adhesive is cured by UV light (Paragraph 0011, Lines 1 – 13; Behnen).

Lalande modified by McKillip, Behnen and Good does not disclose wherein said ultraviolet radiation is applied through the use of a gallium bulb, H bulb or combinations thereof.

Tighe discloses an ultraviolet curable coating 30 in a heat transferable laminate (Column 7, Lines 5 – 17; Figure 1, Item 30) cured with an H-bulb (Column 12, Lines 50 – 55). Therefore it would have been obvious to a person having ordinary skill in the art to use an H-bulb to cure the UV adhesive in Lalande modified by McKillip, Behnen and Good because an H-bulb is a common method used for curing UV adhesive with light.

Response to Arguments

Applicant's arguments with respect to claims 5, 6, 10, 11, 15-17, and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Tighe, Behnen has been incorporated to accompany the deficiencies.

With respect to Good, as disclosed in the previous action, making the die cuts full (for the minor portion to adhere) only requires ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pradeep C. Battula whose telephone number is 571-272-2142. The examiner can normally be reached on Monday - Thursday 7:00AM - 4:30PM and every other Friday from 7:00AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PCB
Patent Examiner
May 24, 2007

Monica S. Carter

MONICA CARTER
SUPERVISORY PATENT EXAMINER